

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
Monday, August 17, 2009

The Yadkin County Board of Commissioners met in Regular Session on Monday, August 17, 2009 in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, NC.

Present were:

Chairman Chad Wagoner
Vice Chairman Kevin Austin
Commissioner Tommy Garner
Commissioner David Moxley
Commissioner Brady Wooten

Staff present: County Attorney, James Graham; County Manager, Stan Kiser; and Clerk to the Board, Gina Brown.

CALL TO ORDER by Chairman Wagoner at 7:00pm.

Chairman Wagoner made a motion to enter a closed session per NCGS 143.318-11 (a) (6) for discussion of a personnel matter. Vice Chairman Austin second.
Vote: 5/0

Vice Chairman Austin made a motion to end the closed session. Commissioner Garner second.
Vote: 5/0

INVOCATION led by James Graham. Vice Chairman Austin acknowledged the recent passing of former Commissioner, Leon Casstevens, and asked that the family be remembered in prayer.

PLEDGE OF ALLEGIANCE led by Chairman Wagoner.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

Vice Chairman Austin announced that a closed session was needed at the end of regular business.

Clerk Brown reported that a year-end activity list for the Sheriff's Office had been placed at each Board seat. Additional information regarding the YVEDDI agenda item was also provided. Clerk Brown asked that a meeting date for the utilities committee be discussed under Calendar Notes.

Commissioner Wooten made a motion to approve the agenda with noted adjustments. Commissioner Moxley second.

Vote: 5/0

PUBLIC COMMENTS

Public Comments portion of the meeting opened at 7:25pm.

Ms. Diane Doub of East Bend appeared before the Board. Ms. Doub stated that when citizens ask for certain assistance from the Sheriff's Office or Animal Control, they often get the response "we don't do that." Ms. Doub stated that the citizens have a right to know the activity of these departments. Ms. Doub suggested that the Animal Control Officer appear at each morning meeting of the Board to report; for example, the number of calls, the number of euthanasias, and number of citations. Likewise, the Sheriff's Office could report the number of arrests, the number of break-ins, and average number of inmates per month. Ms. Doub asked the Board to address this matter during Commissioner Comments.

Public Comments portion of the meeting closed at 7:29pm.

APPROVAL OF MINUTES

Vice Chairman Austin noted the misspelling of Mary Ann Dye on the bottom of page 3.

Commissioner Moxley made a motion to approve the August 3, 2009 Regular Meeting Minutes and the August 3, 2009 Closed Session Minutes with noted adjustment. Commissioner Wooten second.

Vote: 5/0

SPECIAL ANNOUNCEMENT

Regarding the earlier closed session, Chairman Wagoner announced that County Manager, Stan Kiser has accepted a position in Caldwell County. Chairman

Wagoner stated that he was saddened, but wished Mr. Kiser the best and applauded him for his able service and the great contributions to Yadkin County.

Mr. Kiser stated that it had been a pleasure to work in Yadkin County. The decision to leave was no reflection on the County but rather a question of geography. Caldwell County will allow Mr. Kiser to be closer to family and friends. Mr. Kiser stated that he has fond memories and wishes the best for the people of Yadkin.

Mr. Kiser will remain until September 28, 2009. Chairman Wagoner announced that the Board will immediately begin a search for a permanent manager.

PUBLIC HEARING

Christopher Ong, Director of Planning and Development, appeared before the Board to review the rezoning request of Mitzi Branon on behalf of Yadkin Valley Telephone Membership Corporation for 9.2 acres on Courtney-Huntsville Road from RA to HB. Mr. Ong described the property and stated that the surrounding parcels are primarily commercial. The Planning Board voted unanimously to recommend this rezoning.

The Public Hearing was opened at 7:39pm. There were no speakers on this issue. The Public Hearing closed at 7:39pm.

Chairman Wagoner read the statement of zoning consistency as follows:

“Proposed rezoning of approximately 9.2 acres, being all of parcel # 581402661842, unaddressed off of Courtney-Huntsville Road, in South Liberty Township, from Rural Agriculture (RA) to Highway Business (HB) district.

As we, the Yadkin County Board of Commissioners, have found this property to be contiguous to existing highway commercial-zoned properties with established commercial uses, and have further found that the proposed addition to the district will not contribute to a pattern of extended strip development as discouraged by the Yadkin County Land Use Plan.

We find the above referenced proposal for rezoning to be consistent in character with the intent of the Highway Business District as provided in Article 7, Section 4 of the Yadkin County Zoning Ordinance.

We further find the above referenced proposal for rezoning to be consistent with the guidelines for highway-oriented commercial uses in Section 5.7.5., Subsection 5, of the Yadkin County Land Use Plan.

We therefore consider the proposed rezoning to be reasonable and in the public interest.”

Commissioner Wooten made a motion to approve the Statement of Zoning Consistency for 9.2 acres on Courtney-Huntsville Road belonging to Yadkin Valley Telephone Membership Corporation. Commissioner Moxley second.

Vote: 5/0

Commissioner Wooten made a motion to approve the rezoning of 9.2 acres on Courtney-Huntsville Road belonging to Yadkin Valley Telephone Membership Corporation from RA to HB. Commissioner Moxley second.

Vote: 5/0

Vice Chairman Austin commented that it was nice to see the local telephone company growing.

BOARD APPOINTMENTS

(1) Christopher Ong, Planning and Development Director, appeared before the Board to review appointments to the Board of Adjustment. There are 3 full voting members and 1 alternate for reappointment. Mr. Ong requested that the terms be staggered upon reappointment so that no more than 50% of the membership is due for renewal or subject to replacement at the same time.

Commissioner Wooten made a motion to reappoint Charles Robert Wooten and Richard Foster to the Board of Adjustment for a 3-year term and to reappoint Landon Wagoner and Charles Collins to the Board of Adjustment for a 2-year term. Chairman Wagoner asked Mr. Ong to confirm that this motion, as presented, would satisfy his request. Mr. Ong confirmed.

Vote: 5/0

(2) Christopher Ong, Planning and Development Director, was available to discuss a selection for appointment to the Planning Board. Vice Chairman Austin had spoken with Steve Brown about the appointment.

Vice Chairman Austin made a motion to appoint Steve Brown to the Planning Board as an alternate. Commissioner Wooten second.

Vote: 5/0

(3) The Board reviewed requested appointments to the Region 1 Advisory Council.

Vice Chairman Austin made a motion to reappoint Doris Dick and Thomas Wooten to the Region 1 Advisory Council. Commissioner Garner second.

Vote: 5/0

Vice Chairman Austin made a motion to appoint Peggy Boose to replace DC Swaim on the Region 1 Advisory Council. Commissioner Wooten second.

Vice Chairman Austin added that he had confirmed with the Council of Governments that the appointment of Ms. Boose to the Advisory Council would not be in conflict with an earlier appointment to the Nursing and Adult Care Advisory Committee.

Vote: 5/0

BOARD ACTION

(1) County Manager Kiser reviewed a budget amendment for the wireland funds. The budget amendment allows the transfer of wireland funds from the fund balance to the appropriate account for 2009-2010.

Date: August 17, 2009

General Fund

Dept: Information Services

Description	Account Number	Original Budget	Increase/ (Decrease)	Amended Budget
Wireland Funds From E911	1054210-52014	-0-	14,702.00	14,702.00
Appropriated Fund Balance	1044000-49000	1,347,762.00	14,702.00	1,362,464.00

To amend for the balance of the wireland funds from E911 at 6/30/09.

Commissioner Wooten made a motion to approve the budget amendment for wireland funds. Commissioner Moxley second.

Vote: 5/0

(2) Cheri Cranfill, Solid Waste Director, appeared before the Board for review of solid waste franchise applications.

Benfield – This franchise is new to Yadkin County but has been in Iredell and Davie for many years. The application and insurance is in order.

Commissioner Garner made a motion to approve the franchise application for Benfield Sanitation Services. Commissioner Wooten second.

Vote: 5/0

1A Garbage Service – This franchise has been in Yadkin County in years past. There were some questions with the insurance, but proper documentation has been provided.

Commissioner Garner made a motion to approve the franchise application for 1A Garbage Service. Commissioner Wooten second.

Vote: 5/0

In addition, Ms. Cranfill reported the assignment of Planning and Development Director, Christopher Ong, to the Solid Waste Committee replacing the former director, Kim Bates. Attorney Graham commented that no Board action was needed for this substitution.

(3) Jack Koontz, Chairman of the YVEDDI Board of Directors, appeared before the Board. Mr. Koontz reported that Yadkin County, the Town of Yadkinville, and the Economic Development Council had worked together on the initial purchase of the Sara Lee Building. YVEDDI Holdings was established to manage the financial transaction. According to the contract dated October 28, 2003, any unused balance is to be returned to Yadkin County and the Town of Yadkinville. The Town of Yadkinville has already received their portion of that balance. The newly formed Economic Development Partnership recently sent a letter to YVEDDI Holdings requesting these funds. Mr. Koontz announced that he preferred to honor the contract as it was written and asked the Board how it wished to handle this issue. Attorney Graham concurred that the remaining funds should be returned to Yadkin County with the County's authority to distribute those funds to the Economic Development Partnership if desired. The Board agreed that funds would be returned to Yadkin. Mr. Koontz did not require written verification and presented the Board with a check for \$237,570.66

Chairman Wagoner offered his apologies to Mr. Koontz for the recent letter he received and for any confusion it may have caused. Chairman Wagoner assured Mr. Koontz that the letter represented action of the Economic Development Partnership and not the Board of Commissioners. Chairman Wagoner's signature should have been secondary on the letter with the primary signature of Andy Anderson.

There was an additional issue involving a small tract of 5+ acres on Messick Road. This property was purchased by YVEDDI Holdings in order to provide an access road to the Phillips Van Heusen plant. It is believed that Jimmie Hutchens, the YVEDDI Director at the time of the purchase, asked the Board to reimburse YVEDDI Holdings for the \$15,000 cost. Mr. Koontz is requesting verification that Yadkin County did indeed reimburse YVEDDI Holdings and is thereby entitled to the property. Clerk Brown reported recent research of the minutes from 1992 through 1993. YVEDDI, Phillips Van Heusen, and Economic Development files have been searched. Financial records from 1993 have also been reviewed. Clerk Brown reported that there is no written verification that Yadkin County disbursed \$15,000 to YVEDDI Holdings for this property. However, there is a letter from Jimmie Hutchens, dated January 11, 1995 that states: "Since Yadkin County funds were involved in acquiring this site..." The Board was reluctant to take action without further confirmation. Mr. Koontz will return on September 21, 2009. Mr. Koontz commented that YVEDDI Holdings had placed fencing around the back side of this property at a cost of \$7000-\$8000 and would request reimbursement of that amount if Yadkin County assumes ownership of the property.

(4) Major Danny Widener of the Sheriff's Office appeared before the Board to discuss a recent inspection of the jail facility. Inspection by DHHS on July 31, 2009 indicated some issues that can be corrected within the current budget. However, inspectors have been lenient on the plumbing issues in anticipation of the new facility. With continuing construction delays, inspectors are now demanding corrective action. Major Widener reported that plumbing fixtures must be replaced or DHHS will close the jail facility. Replacement will require the closing of 1 cell at a time until all 4 cells are complete. Bids for fixtures and labor have been received from Hughes Plumbing and Todd Brothers Plumbing. Hughes Plumbing is familiar with current plumbing issues and has offered the lower bid. Sheriff Cain recommends awarding the contract to Hughes Plumbing.

Vice Chairman Austin questioned the Plan of Action that is due by September 1. Major Widener reported that the Plan of Action would be submitted after the Board takes action. Major Widener is to call John Harkins of DHHS on the following morning to report the outcome.

Commissioner Wooten questioned Major Widener concerning the date the DHHS letter was received. Commissioner Wooten noted that the letter is dated February 6, 2009, refers to an inspection completed on July 21, 2009, and requests a plan of action by September 1, 2009. Major Widener surmised that Mr. Harkins simply used a form letter that was saved on his computer and failed to change the date.

In an effort to verify the date of receipt, Lieutenant Helms returned to the Sheriff's Office to print an email. Vice Chairman Austin expressed concerns for having such a short period of time to submit the plan of action.

Vice Chairman Austin asked if the proposed repairs will meet DHHS requirements and if additional concerns will be identified as the work proceeds. Major Widener responded that the bids from Hughes Plumbing are for standard equipment that will satisfy inspection issues. Further, Major Widener commented that there are likely to be some concerns when connecting new fixtures to old plumbing.

Commissioner Garner read the letter provided by Major Widener:

"During the past several years we have been working with state inspectors on plumbing problems at the jail; particularly out-dated fixtures and accessibility of parts. Harrell Todd has come and spoke to the Board about this problem. Chief Jail Inspector, John Harkins has worked with our office on this issue for several years, allowing us to do patch work to get by. This was done in anticipation of a new facility being built. As the process has been ongoing since 2006 and has apparently stalled out, we have to take corrective action on the plumbing issue. Mr. Harkins has told us by telephone conversation that the plumbing issue can no longer be avoided, that we must take action immediately. Mr. Harkins stated that if we do not fix the plumbing problem, he will take action to close the jail."

Commissioner Wooten asked for a copy of the RFP. Major Widener stated that an RFP was not required on projects less than \$100,000. Commissioner Moxley asked how many fixtures were to be replaced. Major Widener reported that 19 fixtures and flush valves will be replaced. Bids include the cost of fixtures, parts, and labor. Commissioner Garner stated that the Board should just close the jail in an effort to save taxpayer money. Commissioner Wooten did not agree. Chairman Wagoner remarked that Commissioner Wooten had suggested that very thing in previous meetings. Commissioner Wooten replied that his earlier statements were that the issue was worth studying to determine if there would be a cost savings by housing inmates out of County.

Commissioner Garner made a motion to close the jail and house inmates out of County. Chairman Wagoner second. Chairman Wagoner commented that an inmate is likely to get injured and the current jail poses a great liability for the County. Commissioner Wooten remarked that the first jail committee recommended repairs and improvements to the existing jail in an effort to save taxpayer dollars. Commissioner Wooten again asked if there were RFPs for this plumbing work. Major Widener replied that the bids were requested for lavatories, fixtures, hardware, and labor.

Lieutenant Helms returned with an email verification that the inspection report was received on Wednesday, July 29, 2009.

Vice Chairman Austin asked if there were other issues of concern from the inspection. Major Widener reported that there are issues with every inspection. Most of the issues are cosmetic. The plumbing issue has been a consistent concern. Commissioner Wooten stated that it had been reported in the past that these fixtures could not be replaced. Major Widener clarified that parts are no longer available for the current fixtures, thus the need to completely replace them.

Commissioner Garner questioned the locks on cell doors. Major Widener reported that there is only 1 company that can repair and replace the locks on the cell doors. This company is located in Blue Ridge, Virginia and charges \$400 just to drive to Yadkin County.

Vice Chairman Austin offered that Yadkin County could not afford to lose the jail option. The proposed \$75,000 expenditure would quickly be consumed when compared to transporting and housing inmates out of County.

Commissioner Garner asked how many citizens have actually toured the jail facility to see its current condition. Major Widener reported that mothers will occasionally bring their children in the jail as a harsh lesson. Otherwise, Major Widener has provided 2 tours with a total of 6 people.

Commissioner Wooten offered his opinion that necessary repairs should be made to keep the jail operational. This would allow adequate time for long-term facility planning.

The inspection report sites corrective action for flaking paint on walls, doors, and bars. Major Widener assured the Board that these issues are not ignored. The cells and surfaces are painted on a regular basis but idle inmates invariably cause damage. Inmates awaiting trial cannot be used for labor. In addition, the inspection raised questions of secure booking areas. Major Widener reported that the structural design of the jail does not accommodate a secure visiting area or booking area. In fact, the facility was originally designed as a civil defense center.

Vice Chairman Austin suggested the Board review all options and decide the best course of action.

Chairman Wagoner withdrew his second on the motion by Commissioner Garner to close the jail and house inmates out of County. Commissioner Garner's motion dies for a lack of second.

Discussion continued. Commissioner Wooten asked for cost estimates on the other inspection issues. Major Widener responded that replacement of mirrors is expected to be \$600. Bids for the repair of shower stalls have been requested. Commissioner Wooten felt that the Board should have approval of the RFPs. Further, Commissioner Wooten felt that additional bids were needed for the plumbing work. Chairman Wagoner asked if it would be appropriate to draft a letter to Mr. Harkins outlining the concerns of the Board and the plans for repair. Major Widener responded that Mr. Harkins has offered an ultimatum; fix the plumbing or close the jail. Chairman Wagoner commented that 2 reasonable bids have been received from reputable plumbing professionals in Yadkin County that are familiar with the jail issues. Commissioner Wooten stated that he received this inspection report on the previous Friday and did not feel that thorough information was provided or that there was adequate time for review of this issue. Commissioner Wooten reiterated his concern for a lack of an RFP. Major Widener explained that the needs were clearly explained to the plumbing professionals. Those professionals priced the job for replacement, installation, and labor.

Commissioner Wagoner asked if closing a cell block during repairs would cause a great encumbrance. Major Widener responded that 6 inmates per cell would be housed out of County during the repair.

Vice Chairman Austin noted that the bids were received in May and expressed concerns for the lapse of time. Commissioner Moxley commented that he had a conversation with Mr. Tommy Hughes earlier in the day and Mr. Hughes confirmed the bid as presented. Vice Chairman Austin stated he would feel more comfortable with a current quote. Commissioner Wooten asked why the bids were received in May while the inspection was not completed until July. Major Widener explained that plumbing has been an issue at every inspection. Major Widener was making an effort to be proactive so the repairs could be made in a timely manner. Commissioner Wooten stated that additional quotes and more time was needed to review this issue. Major Widener responded that the inspection results were received on July 29. Major Widener had a telephone conversation with Mr. Haskins on August 3. The Board of Commissioners meeting held on August 3 took place prior to this conversation. Today's meeting was the first opportunity for this matter to be discussed.

No action was taken at this time. The Board will further review this matter at a recessed meeting to be held on Wednesday, August 26, 2009.

Chairman Wagoner called for a recess at 9:00pm. Meeting resumed at 9:20pm.

Chairman Wagoner reiterated for the audience that today's meeting would be recessed until Wednesday, August 26, 2009 at 6:30pm at Hoots Memorial Hospital.

MANAGER REPORTS/COMMENTS

(1) The Town of Yadkinville plans to make improvements to the public parking lot between Birch and Elm Streets. This could affect parking for County vehicles and County employees. County Manager Kiser will continue to work with the Town of Yadkinville on this issue.

(2) Crews have begun pouring the pad for the chlorination station on Highway 21.

(3) The soil remediation at the EMS Station will begin this week.

(4) Work has begun on an interlocal agreement with the Town of Yadkinville for water and sewer to the jail site on Hoots Road.

CALENDAR NOTES

Chairman Wagoner noted the calendar items. Vice Chairman Austin and Commissioner Wooten indicated that Wednesday, August 26, 2009 at 8:30am would be acceptable for a utilities meeting with Jonesville.

COMMISSIONER COMMENTS

Vice Chairman Austin had these additional comments:

(1) Vice Chairman Austin had recently attended a Jonesville Town meeting and reported that the Town Council is overjoyed at the progress on the chlorination station.

(2) Vice Chairman Austin had received a phone call from a citizen concerning the State Energy Plan. This citizen believes that stimulus funds are available and asked if Yadkin County was pursuing those funds.

(3) Vice Chairman Austin had attended the open house at Starmount Middle School. Vice Chairman Austin commented that it was a beautiful school. Vice Chairman Austin had also attended the 50th anniversary celebration of the West Yadkin Volunteer Fire Department.

Commissioner Garner had these additional comments:

(1) Commissioner Garner commented on the cost involved in housing inmates out of County. Commissioner Garner also pointed out that deputies involved in transport would not be available for law enforcement coverage.

(2) Commissioner Garner noted QZAB funds and stated that there is \$1.3 million in stimulus funds available. County Manager Kiser responded that QZAB funding is designated for construction only and cannot be used on projects in which funds have already been borrowed. Yadkin County has applied QZAB funding to debt service.

(3) Commissioner Garner stated that he taught school for 30 years and was used to criticism. Commissioner Garner stated that he is a person that says what he thinks and some voters appreciate it. As long as citizens continue to voice their feelings and opinions, Commissioner Garner plans to do so as well.

Commissioner Moxley had these additional comments:

Commissioner Moxley presented a copy of an article from the *Winston Salem Journal* regarding stimulus funds received in Northwest North Carolina.

Commissioner Moxley noted that Watauga County received \$21.749 million compared to \$1.2 million for Yadkin County. Watauga's funding averaged \$481 per person. Alleghany received \$156 per person. Davie received \$119 per person. Yadkin County received an average of \$32 per person. Clearly, Yadkin County was at a great disadvantage. Commissioner Garner suggested that Yadkin County's voting record in a democrat-controlled government could have been the cause.

Commissioner Wooten had these additional comments:

(1) Commissioner Wooten had also attended the open house at Starmount Middle School. Commissioner Wooten commented that the school was large and impressive.

(2) Commissioner Wooten suggested that Animal Control submit a monthly report for Board review just as the Sheriff's Office, Solid Waste, and Tax Administration.

(3) Commissioner Wooten noted discussion from a previous meeting regarding NACo's support of healthcare reform legislation. Commissioner Wooten commented that Yadkin County and the nation have several issues facing them. NACo should not support legislation that will increase costs to the counties. The proposed healthcare reform legislation is the equivalent of a government entitlement program. Commissioner Wooten feels that the Board should authorize a letter to NACo emphasizing the County's rejection of the proposed healthcare legislation. Chairman Wagoner stated that the County should not take a proactive stance at this time. Vice Chairman Austin reminded the Board of the standing motion regarding this matter.

Chairman Wagoner had these additional comments:

(1) Chairman Wagoner commented that the Board receives a periodic report from the Sheriff's Office presenting the number and nature of calls; the types of crimes that have been committed; the number of inmates and much more information. A copy of this report is available in the County Manager's Office.

(2) Chairman Wagoner had an opportunity to speak with Jimmy Flythe of Duke Power at a recent Economic Development Partnership meeting. Chairman Wagoner asked Mr. Flythe about the possibility of hydro-electric power from the 5D Project. Mr. Flythe explained that there is a minimum requirement on the cubic feet of water flow. Duke Power has actually closed dams larger than the 5D Project.

(3) Chairman Wagoner commented that school staff would be returning to work on the next day with schools opening the following week. With an increase in traffic and buses, Chairman Wagoner reminded all to be cautious and safe.

Attorney Graham had no additional items for discussion.

Commissioner Wooten made a motion to enter a Closed Session for consultation with attorney per NCGS 143-318.11 (a) (3). Vice Chairman Austin second.

Vote: 5/0

Commissioner Moxley made a motion to end the Closed Session. Commissioner Wooten second.

Vote: 5/0

Discussion continued on the recent jail inspection. Vice Chairman Austin believes that more detailed bids are needed. Chairman Wagoner asked Attorney Graham if the jail could be reopened after State closure. Attorney Graham suggested that if corrective action is taken, the jail could be reopened. Chairman Wagoner commented that Major Widener took all the appropriate steps and had made all the necessary preparations; yet Board members were not satisfied. Vice Chairman Austin stated that the Board has a financial responsibility and cannot treat each issue as if there is a blank checkbook.

Commissioner Garner made a motion to recess until Wednesday, August 26, 2009 at 6:30pm at Hoots Memorial Hospital. Commissioner Wooten second.

Vote: 5/0

Meeting recessed at 10:30pm.

Prepared by Clerk to the Board

**Date Approved
by the Yadkin County
Board of Commissioners**